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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORLTAND DIVISION

YOSHIDA FOODS INTERNATIONAL
LLC, an Oregon Limited Liability Company,

Plaintiff,

v.

FEDERAL INSURANCE COMPANY,
an Indiana Corporation,

Defendant.

Case No.

**NOTICE OF REMOVAL UNDER
28 USC § 1441(b) (DIVERSITY)**

TO: ALL PARTIES HEREIN AND TO THEIR RESPECTIVE COUNSEL OF RECORD;

AND TO: THE CLERK OF THE ABOVE-ENTITLED COURT

PLEASE TAKE NOTICE that Defendant Federal Insurance Company hereby removes to this Court the state court action described below.

Pursuant to 28 U.S.C. §§ 1332(a), 1441(b), and 1446, Federal Insurance Company (“Federal”) submits notice of its removal of this action, captioned *Yoshida Foods International, LLC v. Federal Insurance Company* and bearing civil case number 21-cv-35167, from the Circuit

Court of the State of Oregon for the County of Multnomah to the United States District Court for the District of Oregon. Pursuant to 28 U.S.C. § 1446(a), Federal states as follows:

1. On September 3, 2021, Yoshida Foods International, LLC (“Yoshida”) filed a complaint in the Circuit Court of the State of Oregon for the County of Multnomah (“State Court Action”) against Federal alleging that Federal breached the terms of an insurance policy by denying coverage for the Ransom (\$100,000.00) and IT Services related to the ransomware attack and payment of the Ransom via Bitcoin (\$7,075.96) resulting in Yoshida sustaining approximately \$107,075.96 in damages. (Compl., ¶ 10; 19-20). A true and correct copy of the complaint along with all other pleadings filed in the State Court Action are attached hereto as **Exhibit A**.

VENUE

2. The Circuit Court of the State of Oregon for the County of Multnomah is located within this District. Pursuant to 28 U.S.C. § 1446(a), Federal files this notice “in the district court of the United States for the district and division within which such action is pending.”

3. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391 and 1441(a) because Yoshida is an Oregon limited liability company and the case arises from an insurance policy issued to Yoshida while domiciled in Oregon. (Compl., ¶ 2, 6).

SUBJECT MATTER JURISDICTION

4. This Court has subject matter jurisdiction under 28 U.S.C. § 1332(a) because (1) there is complete diversity of citizenship between Plaintiff and Defendant; (2) the amount in controversy exceeds \$75,000, exclusive of interests and costs; and (3) all other requirements for removal have been satisfied.

5. For purposes of diversity jurisdiction, a corporation is “a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business . . .” 28 U.S.C. § 1332(c)(1).

6. Federal is an Indiana corporation maintaining its principal place of business in New Jersey.

7. Yoshida is a limited liability company organized under Oregon law and maintaining its principal place of business in Oregon. (Compl., ¶ 2; *see also* Secretary of State Records for Yoshida are attached hereto as **Exhibit B**).

8. Because Plaintiff is a citizen of Oregon and Defendant is a citizen of Indiana, there is complete diversity of citizenship.

9. In this case, Yoshida’s alleges that its purported damages “total an amount to be determined at trial, but not less than \$107,075.96.” (Compl., ¶ 20). Therefore, the amount in controversy exceeds the \$75,000 jurisdictional threshold.

OTHER REMOVAL REQUIREMENTS

10. On September 9, 2021, Yoshida served Federal with the Complaint. *See Exhibit A.* The last date of removal is October 9, 2021. Federal hereby files this Notice of Removal within 30 days thereof pursuant to 28 U.S.C. § 1446(b)(1).

11. Pursuant to 28 U.S.C. § 1446(a), a copy of all process and pleadings served on Federal and filed in the State Court Action are attached hereto as **Exhibit A**.

CONCLUSION

12. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(a), and this action is one which may be removed to federal court by Federal to 28 U.S.C. §§ 1441(b) and

1446(a), as there is complete diversity in citizenship between Yoshida and Federal and because the amount in controversy, as set forth above, exceeds \$75,000, exclusive of interest and costs.

WHEREFORE, Federal Insurance Company hereby removes this action from the Circuit Court of the State of Oregon for the County of Multnomah to the United States District Court for the District of Oregon. By filing this Notice of Removal, no party waives any defenses that may be available to it and reserves all such defenses.

Dated: October 5, 2021.

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DECLARATION OF SERVICE

I hereby declare, under penalty of perjury under the laws of the State of Washington and Oregon, that on this date, I served the foregoing via e-service on the following:

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DATED this 5th day of October, 2021.

s/Caroline R. Mundy
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